



## Board of Zoning Appeals

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

[Http://planning.city.cleveland.oh.us/bza/cpc.html](http://planning.city.cleveland.oh.us/bza/cpc.html)

216.664.2580

**SEPTEMBER 30, 2019**

**9:30**

**Calendar No. 19-202:**

**3332 West Boulevard**

**Ward 11**

**Dona Brady**

**14 Notices**

Shalesmarie Rodriguez, owner, proposes to install a 6 foot high wood privacy fence in an A1 One-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 358.04 (a) which states that fences in actual front yards and in actual side street yards shall not Exceed four (4) feet in height and shall be at least fifty percent (50%) open. A 6 foot high fence is proposed.
2. Section 358.03 (a) which states that no portion of a fence located within thirty (30) feet of the intersection of two (2) street right-of-way lines shall exceed two and one-half (2-1/2) feet in height, unless all portions of the fence above two and one-half (2-1/2) feet in height are at least seventy-five (75%) open. The same restrictions shall apply to any portion of a fence located along and parallel to a driveway within fifteen (15) feet of its intersection with a public sidewalk or public street, if no sidewalk is present. (Filed August 13, 2019)

**9:30**

**Calendar No. 19-209:**

**17403 Dorchester Blvd.**

**Ward 8**

**Michael D. Polensek**

**38 Notices**

Vince & Suzanne DeGeorge, owners, propose to erect a 74' x 34' two story frame single family residence with attached 2 bay garage and rear balcony in an A1 One-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.06 which states that whenever the plat of a land subdivision approved by the Planning Commission and on record in the office of the County Recorder shows a setback building line along any frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place of any other yard line specified in this chapter unless specific building lines shown on the Building Zone Map require a greater setback. In this case a 40 foot setback is required per City approved Plats.
2. Section 341.02 which states that approval of Cleveland City Planning Department is required.
3. Note: it has been determined that in 1990 a prior owner of the subject property made a request for variances similar in this case in Calendar Number 90-27 and the appeal was denied by the Board. Pursuant to Rule XIII of the Rules and Regulations of the Board of Zoning Appeals this appeal may be considered a "refiling", which must be dismissed unless the appellant can present evidence to justify the denial of the application of *res judicata*, including substantially changed circumstances, substantial new relevant evidence that was not available

at the hearing on the prior appeal, or that the application of *res judicata* would create manifest injustice. (Filed 26, 2019).

**9:30**

**Calendar No. 19-213:**

**4007 Clinton Ave.**

**Ward 3**

**Kerry McCormack**

**13 Notices**

Benjamin Trimble, owner, proposes to erect a two story single family residence, a rear second floor single family dwelling with a 2 car garage on first floor, a fence and establish a parking space on the sidewall of rear dwelling in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 349.05 (a) which states that accessory parking spaces shall be located a minimum of 18 inches from all property lines.(Rear Dwelling)
2. Section 357.06 (a) which states that the Required Front Yard Setback is 22.5 feet and the appellant is proposing 20 feet.
3. Section 357.08(a) which states that the Required Rear Yard for the rear dwelling is 18 feet and the appellant is proposing 8 feet.
4. Section 358.04(a) which states that 40 lineal feet of fencing for front dwelling on eastside property line shall not be higher than 3 feet 10 inches and 21 lineal feet of fencing for a rear dwelling on southwest side property line shall not be higher than 3 feet.
5. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit (Filed August 29, 2019)

**9:30**

**Calendar No. 19-214:**

**10720 Edgewater Dr.**

**Ward 15**

**Matt Zone**

**16 Notices**

Mike and Marjie Heines, owners, propose to erect an irregular shaped single family residence with finished basement and attached garage and pool area in an AA Limited One-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.23 (a)(6)(A)(6) which states that attached garages shall be placed on rear half lot at 206 feet back from the front property line and the appellant is proposing 138.4 feet.
2. Section 341.02 which states that City Planning approval is required prior to issuance of permit. (Filed August 29, 2019)

**POSTPONED FROM AUGUST 19, 2019**

**9:30**

**Calendar No. 19-140:**

**4103 Memphis Ave.**

**Ward 13**

**Kevin Kelley**

**58 Notices**

City of Cleveland, owner, and Anthony Insana, lessee, propose to establish use as commercial winery and assembly use and add pole barn addition to existing agricultural use in a C1 Residence Office

District. . The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.25 (d)(3) which states that no agricultural related products may be sold from the property of an agricultural use without approval of the Board of Zoning Appeals.
2. Section 337.10 which states that assembly use for the events, restaurant/food sales is not a permitted use in a Residence Office District, first permitted in a General Retail Business District, and only in that district when it is 500 feet from a residential district. Proposed use is in a abutting a residential district.
3. Section 349.04(e) which states that a total parking area equal to three times the gross floor area is required, gravel parking area equal to approximately 2 times the gross floor area is provided.
4. Section 337.18(b) which states that accessory off-street parking areas must be surfaced with concrete or asphalt. (Filed June 13, 2019-NoTestimony) *SECOND POSTPONEMENT WAS MADE AT THE REQUEST OF THE COUNCILMAN TO ALLOW FOR TIME FOR A PUBLIC MEETING. FIRST POSTPONEMENT MADE AT THE REQUEST OF THE DEVELOPMENT CORPORATION TO ALLOW FOR TIME FOR FURTHER REVIEW.*